

Remarks

Claim Rejections – 35 U.S.C. § 102

In the Action the Examiner rejected claims 1-14, 16-34 and 36 under 35 U.S.C. § 102(b) as allegedly being anticipated by Johnston et al. (United States Patent No. 5,874,574). The Examiner states that Johnston et al. discloses a process of preparing CL-20, “where the CL-20 is substantially dry ... and [a] crystallizer containing a CL-20 non-solvent such as toluene.” Applicant submits that all of the methods disclosed by Johnston et al. require the steps of dissolving CL-20 in a solvent (such as ethyl acetate), drying the solution, precipitating the CL-20 from the solvent by the addition of a CL-20 non-solvent (such as toluene), and recovering the CL-20 by the addition of water or another dense, polar solvent which is later decanted. See Johnston et al., col. 2, line 34 – col. 4, line 62. In contrast, the pending claims use inverse precipitation such that a dry solvent solution is added to the non-solvent. Johnston et al. does not teach all of the elements of the pending claims. Therefore, Applicant requests withdrawal of the 35 U.S.C. § 102 rejection.

Claim Rejections – 35 U.S.C. § 103

In the Action the Examiner rejected claims 1-36 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Johnston et al. (United States Patent No. 5,874,574) in view of Sanderson et al. (United States Patent No. 6,391,130). As stated above, Applicant submits that Johnston et al. does not disclose an inverse precipitation technique as recited in the pending claims. The Examiner characterizes Sanderson et al. as disclosing the use of a TADA precursor. Sanderson et al. does disclose an inverse precipitation technique as required by the pending claims. The combination of Johnston et al. and Sanderson et al. does not teach all of the

elements of the claimed invention. Therefore, Applicant requests withdrawal of the 35 U.S.C. § 103 rejection.

Conclusion

Applicant has provided the preceding Remarks in a sincere effort to advance prosecution of this application and to place all of the pending claims in condition for allowance. No new matter has been added to the claims. Applicant believes this Response is fully responsive to the Action. Reconsideration of the patent application is respectfully requested.

Please debit Deposit Account No. 50-0581 for any requested fees.

Dated this 22nd day of April, 2004.

Respectfully submitted,



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